

Message Text

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ACTION EB-08

INFO OCT-01 ARA-14 ISO-00 CG-00 DOTE-00 CIAE-00
COME-00 DODE-00 INR-10 JUSE-00 L-03 NSAE-00 CA-01
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R 312010Z MAR 78
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC PRIORITY 7227
INFO AMCONSUL BARRANQUILLA

UNCLAS BOGOTA 3012

EO 11652: NA
TAGS: EWWT, CO
SUBJ: MARINE SALVAGE DISPUTE: MCEI 6 AND MECI 8

REF: STATE 073177

1. EMBOFF MET WITH DR. SARMIENTO MONDAY, MARCH 27, AND WAS BRIEFED ON CURRENT STATUS OF CASE. ON TUESDAY, MARCH 28, EMBOFF MET WITH THOMAS E. BECK, FRIEND OF THE OWNER OF SUBJECT BARGES (MICHAEL E. ZAPOTIS, TRANSOCEAN, INC., 1637 NW 27 AVENUE, MIAMI 33125, TELEPHONE: 305 634 2918). MR. BECK INFORMED EMBOFF THAT HE WAS A CLOSE PERSONAL FRIEND OF MR. ZAPOTIS AND IS ACTING IN THIS INTEREST. MR. BECK IS ALSO A CLOSE FRIEND OF JULIO ZAKZUK, OWNER OF THE DON NICKY.

2. MR. BECK INFORMED EMBOFF THAT SALVAGE CASE WAS ALMOST SOLVED MUCH EARLIER SINCE BY COINCIDENCE HE WAS A FRIEND OF BOTH THE OWNER OF THE BARGES AND THE OWNER OF THE DON NICKY AND COULD ACT AS MEDIATOR. HOWEVER, THE INSURANCE COMPANY, LLOYDS OF LONDON, WANTED THEIR OWN REPRESENTATIVE TO SETTLE THE CASE. THE REPRESENTATIVE OFFERED THE SALVAGER TOWING FEES AND SEVERAL DAYS SALARIES FOR CREW MEMBERS AND THE OFFER WAS FLATLY REFUSED. A SECOND OFFER OF APPROXIMATELY DOLLARS 220,000 WAS MADE BUT THE SALVAGER DECIDED TO HOLD OUT FOR MORE AND REQUESTED A
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SETTLEMENT OF DOLLARS 435,000. THE DIFFERENCE IS APPARENTLY UNDER DISCUSSION.

3. SEVERAL WEEKS AGO THE COMMANDANTE DEL RESGUARDO IN SANTA MARTA FILED A COMPLAINT WITH THE CUSTOMS JUDGE STATING THAT THE CARGO WAS CONTRABAND INTENDED FOR COLOMBIA. BOTH BECK AND SARMIENTO ARE IN POSSESSION OF COMPLETE DOCUMENTATION SHOWING

THAT THIS COMPLAINT IS UNFOUNDED.

4. ON TUESDAY, MARCH 28, EMBOFF, MR. BECK, AND DR. SARMIENTO MET WITH DR. GAITAN, MANAGER, FONDO ROTARORIO DE LAS ADUANAS. THE FONDO IS THE AGENCY THAT IS RESPONSIBLE FOR DISPOSING OF SEIZED CONTRABAND. THE MEETING WAS ARRANGED IN THE HOPE THAT DR. GAITAN COULD MAKE THE DETERMINATION THAT THE CARGO WAS NOT CONTRABAND AND SO INSTRUCT THE JUDGE IN SANTA MARTA. THE HOPE PROVED TO BE UNFOUNDED SINCE THE FONDO'S AUTHORITY ONLY EXTENDS TO CONDEMNED CONTRABAND AND NOT TO SHIPMENTS SUSPECTED TO BE CONTRABAND. HOWEVER, DR. GAITAN WAS ABLE TO ARRANGE AN APPOINTMENT WITH DR. FRANCO, THE DIRECTOR OF CUSTOMS, FOR THURSDAY, MARCH 30. EMBOFF, BECK AND SARMIENTO DID MEET INFORMALLY WITH FRANCO TUESDAY NIGHT BUT HE WAS UNABLE TO COMMENT ON THE SITUATION AT THAT TIME.

5. ON WEDNESDAY, MARCH 29, EMBOFF, BECK, AND SARMIENTO MET WITH DR. JORGE PENEN DEL TIEURE IN THE PROCURADURIA GENERAL DE LA NACION (ROUGHLY EQUIVALENT TO THE U.S. ATTORNEY GENERAL) AND THE CASE WAS EXPLAINED TO HIM IN DETAIL. HE CALLED DR. VICTOR GUARDIOLA, THE REGIONAL PROCURADOR IN SANTA MARTA, AND INSTRUCTED HIM TO INVESTIGATE THE MATTER AND REPORT TO HIM IMMEDIATELY. DR. SARMIENTO IS PLANNING TO TRAVEL TO SANTA MARTA THURSDAY, MARCH 30, IN ORDER TO ACCOMPANY DR. GUARDIOLA TO THE OFFICE OF THE CUSTOMS JUDGE.

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6. ON THURSDAY, MARCH 30, EMBOFF, BECK, AND SARMIENTO MET WITH THE SUB-DIRECTOR OF CUSTOMS AND HIS STAFF. DR. FRANCO COULD NOT ATTEND. THE CASE WAS COMPLETELY DESCRIBED BY DR. SARMIENTO AND CUSTOMS AGREED TO INSTRUCT THE ADMINISTRATOR IN SANTA MARTA TO ACCOMPANY SARMIENTO AND GUARDIOLA WHEN THEY VISITED THE CUSTOMS JUDGE. AMCONSUL BARRANQUILLA WILL ALSO ATTEND.

7. IT MUST BE UNDERSTOOD THAT NONE OF THESE PERSONS CAN INSTRUCT THE CUSTOMS JUDGE TO TAKE ANY ACTION. ADVICE CAN ONLY BE OFFERED. IT IS HOPED THAT THE HIGH LEVEL OF INTEREST INDICATED BY THE VISIT OF THESE PARTIES WILL HAVE A USEFUL IMPACT AND THAT, CONSEQUENTLY, THE MATTER WILL BE QUICKLY RESOLVED. BOTH SARMIENTO'S AND BECK'S HIGH LEVEL CONNECTIONS HAVE BEEN VERY HELPFUL TO DATE.

8. EMBOFF INFORMED BY BECK THAT, AFTER OUR MEETING WITH CUSTOMS, THE CUSTOMS OFFICIALS MET AGAIN AND IT WAS AGREED THAT THEIR OWNER'S CASE WAS AIRTIGHT. THIS OPINION CAN ONLY SERVE TO STRENGTHEN POSSIBILITY FOR A QUICK AND FAVORABLE OUTCOME.

9. EMBASSY WILL REPORT FURTHER DEVELOPMENTS ASAP.
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